IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4668 OF 2005

Shri. Govind Pandurang Choudhari ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Sudeep Pasbola for the Applicant.
Shri. A.S. Gadkari, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 12, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant, the learned A.P.P. for the State and the Advocate appearing for the complainant/intervener. At the out set, the intervener through his Advocate tenders unconditional apology to this Court as regards the statements made in the paragraph No.11 of the affidavit dated 25th July, 2005 and the learned Advocate stated that the statements made in paragraph No.11 are unconditionally withdrawn. Apology tendered is accepted and accordingly, the learned Advocate is directed to delete paragraph No.11 of the affidavit. Amendment to be carried out within three days.

2. The prayer made in this Application is for modification of the condition imposed in order dated 26th May, 2005 passed by the Sessions Court. By the said order bail was granted in favour of the Applicant on condition that the Applicant will not enter the limits of city of Dombivali.

3. The first ground on which modification is sought is that the decease from which the Applicant is suffering requires prolonged treatment and controlled diet as well as continuous attention. The second ground is that the Applicant is a political leader and his business is located in Dombivali. So far as second ground is concerned, by order dated 29th July, 2005 this Court held that modification cannot be made on that ground and the Applicant was directed to produce the medical certificate. Accordingly, medical certificate dated 05th August, 2005 issued by the Medical Superintendent of Sasoon General Hospital, Pune is produced on record. The said certificate reads thus:

> "Diabetis Mellitus with hypertension with bronchitis with fracture lt. humorus with peripherl neuropathy with retinopathy and treatment is advised".

4. There is nothing in the certificate to show that the Applicant requires controlled diet. There is nothing to show that the Applicant will have to enter the limits of Dombivali for the purposes of taking treatment and that treatment cannot be given to him in Pune where at present he is residing. No case is made out for modification. Accordingly, Application is rejected.

JUDGE